



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,053	09/18/2006	Axel GRAMMELSBERGER	000008-009	3580

44012 7590 09/19/2011
WRB-IP LLP
801 N. Pitt Sreet , Suite 123
ALEXANDRIA, VA 22314

EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

1778

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/19/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HARRY@WRB-IP.COM
angie@wrb-ip.com

Office Action Summary	Application No. 10/599,053	Applicant(s) GRAMMELSBERGER, AXEL	
	Examiner /ROBERT J. POPOVICS/	Art Unit 1778	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 13-24 is/are pending in the application.
- 5a) Of the above claim(s) 16,17 and 19-24 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 13-15 and 18 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

First Page of Applicant's Pre-Grant Publication

(19) United States		(10) Pub. No.: US 2011/0139703 A1	
(13) Patent Application Publication		(43) Pub. Date: Jun. 16, 2011	
(12) GRAMMELSBERGER			
(54) SCREENING GRID		Publication Classification	
(76) Inventor:	Axel GRAMMELSBERGER, Rodgers (DC)	(51) Int. Cl.	B01D 33/04 (2006.01)
(21) Appl. No.:	10/599,053	(52) U.S. Cl.	210/400
(22) PCT Filed:	Jan. 24, 2005	(57) ABSTRACT	
(86) PCT No.:	PCT/EP2005/000273	A screening grid for discharging solids from a liquid flow. The grid includes a drivable screening strip that can be inserted into the liquid flow and includes two lateral link chains between which carrying rods extend, carrying groups of adjacent screening links. All screening links include projecting parts that extend respectively only in one direction from a group of screening grids, without being overlapped by the projecting parts of the adjacent group of screening links. All of the screening links of a group are provided with projecting hooks on the outer side of the screening strip.	
(37) (act):			
(2), (4) Date:	Sep. 18, 2005		
(30) Foreign Application Priority Data			
Mar. 19, 2004	(DE)	10 2004 014 922.7	

Election/Restrictions

Applicant's election ***with traverse*** is acknowledged:

The applicant responds to the Election of Species Requirement dated July 18, 2011, as follows.

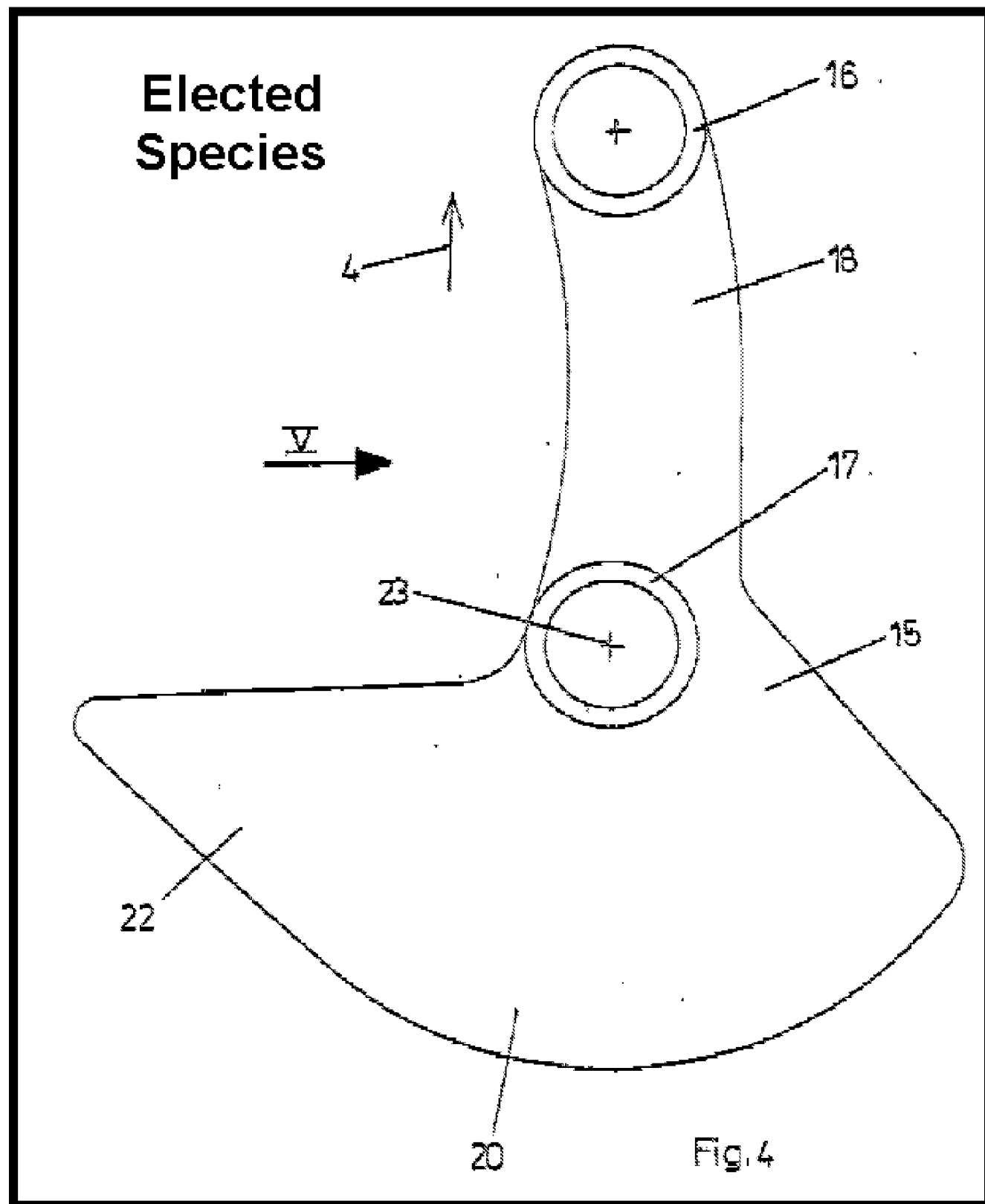
Elec. (8/17/2011)

The applicant elects the species identified as Species 1. Claims 13-15 and 18 are submitted to read on Species 1.

The applicant traverses the election of species requirement on the grounds that, because the present application is the U.S. national stage of an international application, the propriety of the requirement should have been evaluated based on whether there is unity of invention. It is submitted that unity of invention is not lacking in the present application.

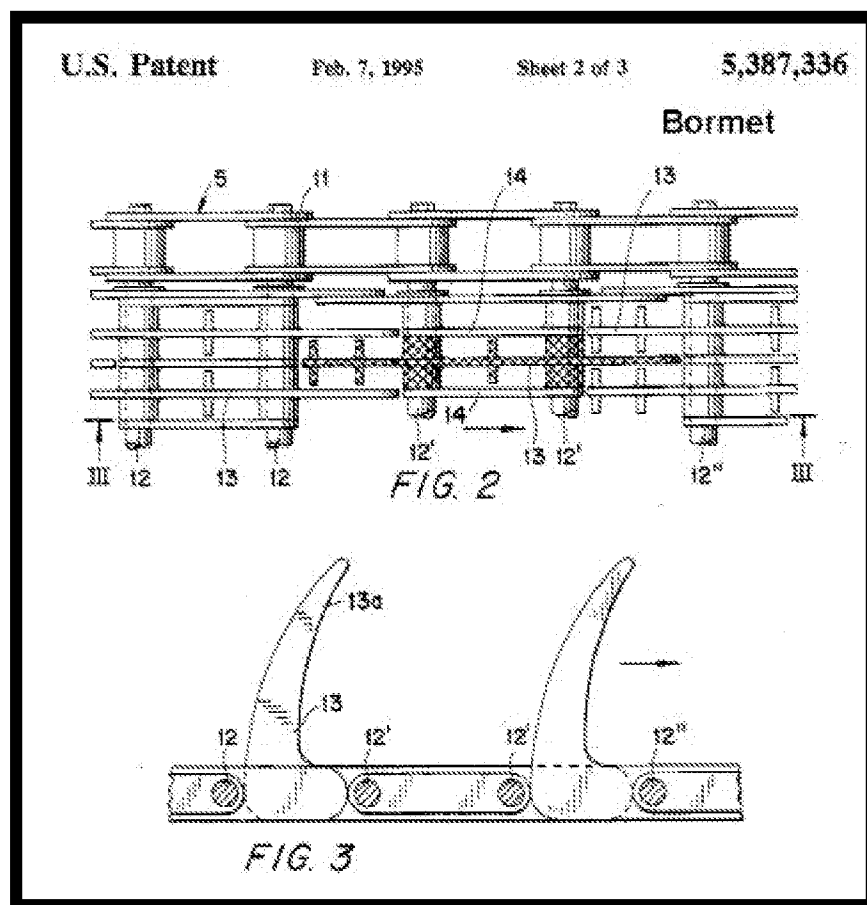
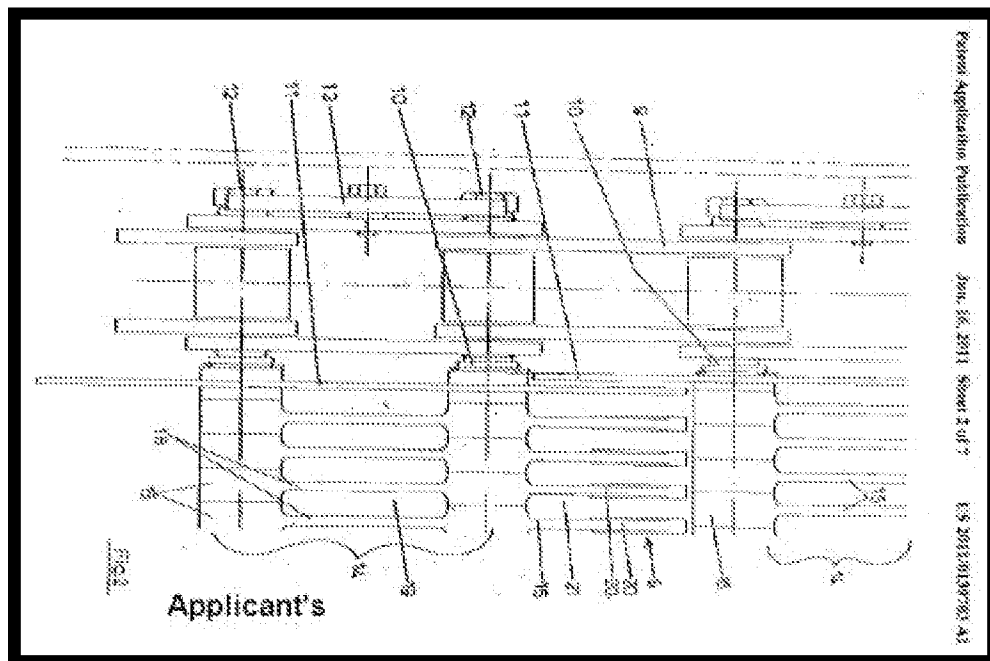
Applicant's traversal is acknowledged. The invention is seen to lack unity in that claimed structure corresponding to the elected species is seen to be unpatentable as evidenced by Bormet (Fig. 3). If Applicant admits on the record that the examiner defined species are obvious variants of one another, the election of species requirement will be withdrawn.

The Election of Species requirement is made **FINAL**.



Drawings

The drawings are objected to because **it is not clear from the drawings which parts are solid and which parts are voids (compare Applicant's Figures with those of Bormet below). Applicant's drawings lack the shading and other drawing conventions that permits those skilled in the art to discern the solid structure from the voids. Additionally, the drawings are objected to because they contain copier marks (e.g., black specs, blemishes, etc.) throughout, or are of poor line quality.** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.



The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, ***"wherein all screening links having projecting parts that extend only in one direction,"*** must be shown or the feature(s) canceled from the claim(s). No new matter will be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims **13-15** and **18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to the recitation, ***"wherein all screening links having projecting parts that extend only in one direction,"*** it is unclear what ***"one direction"*** Applicant intends by this recitation. It is unclear what said extension is relative to. What is the frame of reference with respect to said ***"projecting parts?"*** It is unclear where the claimed ***"projecting parts"*** end or begin. It is unclear where the ***"at least partially have hooks"*** begin. It is unclear what Applicant intends by a **partial hook**? It is unclear how the ***"projecting parts"*** differ from the **partial hooks**, or where the ***"projecting parts"*** end and the **partial hooks** begin. The recitation, ***"at least partially have hooks"*** is relative and subjective, causing numerous possible interpretations of said recitation, thus rendering the claim vague and indefinite.

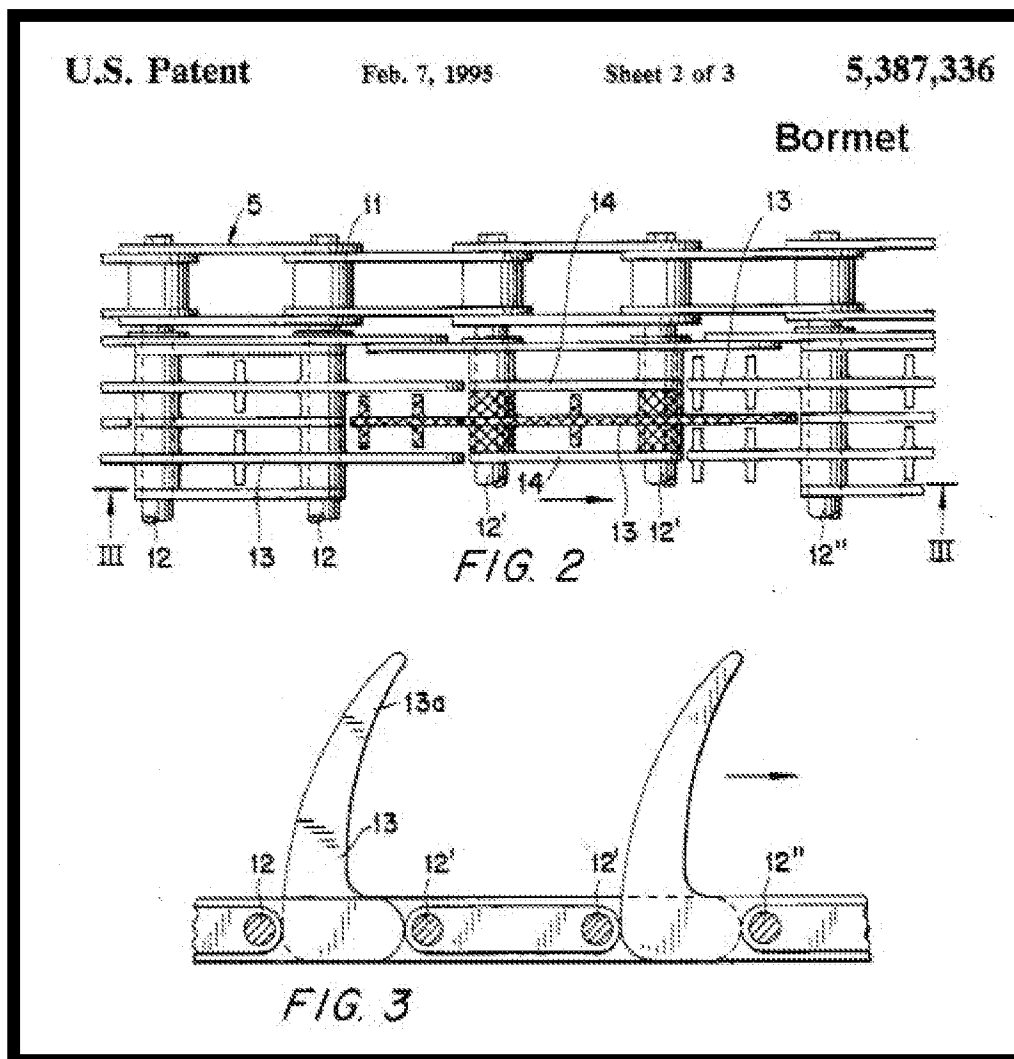
In claim 18, the recitations, ***"the inside"*** and ***"the screening strip"*** both appear to lack clear positive antecedent basis.

The claims are preferably drafted in the manner set forth at **37 CFR §1.75(i)**:

Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Claim Rejections - 35 USC § 102

Claims **13-15** and **18** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Bormet (US 5,387,336)**. As best understood, Bormet is seen to meet the language of the claims in that a “projecting part” having a partial hook is seen to be met by the structure depicted in Figure 3 of Bormet:



Art Unit: 1778

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /ROBERT J. POPOVICS/ whose telephone number is (571)272-1164. The examiner can normally be reached on Monday through Friday between noon and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/ROBERT J POPOVICS/
Primary Examiner
Art Unit 1778
(571) 272-1164 Direct**